

AMENDED IN ASSEMBLY MAY 6, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 470

Introduced by Assembly Member Mullin

February 19, 2013

An act to amend Sections 42605 and 44279.2 of, and to repeal Section 41514 of, the Education Code, relating to schools.

LEGISLATIVE COUNSEL’S DIGEST

AB 470, as amended, Mullin. Schools: school safety and teacher training.

(1) Existing law establishes the school safety consolidated competitive grant, requires the funding for the school safety consolidated competitive grant to include funding previously apportioned to school districts for carrying out the purposes of specified programs, and requires funds appropriated for purposes of the school safety consolidated competitive grant to be available for encumbrance for 5 years from the date of appropriation.

This bill would repeal the provision requiring funds appropriated for purposes of the school safety consolidated competitive grant to be available for encumbrance for 5 years from the date of appropriation.

(2) Existing law establishes various categorical education programs and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2014–15 fiscal years, inclusive, to apportion from the amounts provided in the annual Budget Act for specified categorical

education programs an amount based on the relative proportion that the local educational agency received in the 2008–09 fiscal year for those programs and authorizes the local educational agency, for those fiscal years, to use these funds, with specified exceptions, for any educational purpose, to the extent permitted by federal law.

~~This bill would remove the teacher credentialing block grant from the list of categorical education programs for which their funding may be used for any educational purpose. The bill would, from moneys annually appropriated for the school safety consolidated competitive grant, require \$321,000 of those moneys to be used for certain purposes related to the Interagency School Safety Demonstration Act of 1985.~~

(3) Existing law establishes the California Beginning Teacher Support and Assessment System, which is jointly administered by the Superintendent of Public Instruction and the Commission on Teacher Credentialing. In administering the California Beginning Teacher Support and Assessment System, existing law requires the Superintendent and the commission to provide or contract for, among other things, establishing requirements for reviewing and approving teacher induction programs. Existing law requires a school district or consortium of school districts that apply to the Superintendent for funding to establish a local teacher induction program to meet specified requirements.

This bill, for purposes of the California Beginning Teacher Support and Assessment System, also would require the Superintendent and the commission to provide or contract for implementing high-quality teacher induction programs per specified certification criteria and enforcing each teacher induction program's standards to meet state standards. ~~The bill would require the Superintendent to conduct onsite reviews of all approved teacher induction programs at least once every 4 years, as a midpoint review to the accreditation process currently conducted by the commission every 7 years. The bill would require the onsite reviews to be conducted in consultation with the commission as specified, and would require the Superintendent to make results of the onsite reviews available to the commission. The bill would require a school district or consortium of school districts that apply to the Superintendent for funding to establish a local teacher induction program to meet the additional requirement to not charge beginning teachers to participate in the teacher induction program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 41514 of the Education Code is repealed.

SEC. 2. Section 42605 of the Education Code is amended to read:

42605. (a) (1) Unless otherwise prohibited under federal law or otherwise specified in ~~subdivision (e)~~, *subdivisions (e) and (f)*, for the 2008–09 fiscal year to the 2014–15 fiscal year, inclusive, recipients of funds from the items listed in paragraph (2) may use funding received, pursuant to subdivision (b), from any of these items listed in paragraph (2) that are contained in Section 2.00 of the annual Budget Act, for any educational purpose.

(2) Items 6110-104-0001, 6110-105-0001, 6110-108-0001, 6110-122-0001, 6110-124-0001, 6110-137-0001, 6110-144-0001, 6110-150-0001, 6110-151-0001, 6110-156-0001, 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001, 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-227-0001, 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001, ~~6110-244-0001~~, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-266-0001, 6110-267-0001, 6110-268-0001, and 6360-101-0001 of Section 2.00.

(b) (1) For the 2009–10 fiscal year to the 2014–15 fiscal year, inclusive, the Superintendent or other administering state agency, as appropriate, shall apportion from the amounts provided in the annual Budget Act for the items enumerated in paragraph (2) of subdivision (a) an amount to recipients based on the same relative proportion that the recipient received in the 2008–09 fiscal year for the programs funded through the items enumerated in paragraph (2) of subdivision (a).

(2) This section and Section 42 of Chapter 12 of the Third Extraordinary Session of the Statutes of 2009 do not authorize a school district that receives funding on behalf of a charter school pursuant to Sections 47634.1 and 47651 to redirect this funding for another purpose unless otherwise authorized in law or pursuant to an agreement between a charter school and its chartering authority. Notwithstanding paragraph (1), for the 2008–09 fiscal year to the 2014–15 fiscal year, inclusive, a school district that receives funding on behalf of a charter school pursuant to Sections

1 47634.1 and 47651 shall continue to distribute the funds to those
2 charter schools based on the relative proportion that the school
3 district distributed in the 2007–08 fiscal year, and shall adjust those
4 amounts to reflect changes in charter school attendance in the
5 district. The amounts allocated shall be adjusted for any greater
6 or lesser amount appropriated for the items enumerated in
7 paragraph (2) of subdivision (a). For a charter school that began
8 operation in the 2008–09 fiscal year, if a school district received
9 funding on behalf of that charter school pursuant to Sections
10 47634.1 and 47651, the school district shall continue to distribute
11 the funds to that charter school based on the relative proportion
12 that the school district distributed in the 2008–09 fiscal year and
13 shall adjust the amount of those funds to reflect changes in charter
14 school attendance in the district. The amounts allocated shall be
15 adjusted for any greater or lesser amount appropriated for the items
16 enumerated in paragraph (2) of subdivision (a).

17 (3) Notwithstanding paragraph (1), for the 2008–09 fiscal year
18 to the 2014–15 fiscal year, inclusive, the Superintendent shall
19 apportion from the amounts appropriated by Item 6110-211-0001
20 of Section 2.00 of the annual Budget Act an amount to a charter
21 school in accordance with the per-pupil methodology prescribed
22 in subdivision (c) of Section 47634.1.

23 (4) Notwithstanding paragraph (1), for the 2008–09 fiscal year
24 to the 2014–15 fiscal year, inclusive, the Superintendent shall
25 apportion from the amounts provided in the annual Budget Act an
26 amount to a school district, charter school, and county office of
27 education based on the same relative proportion that the local
28 educational agency received in the 2007–08 fiscal year for the
29 programs funded through the following items contained in Section
30 2.00 of the annual Budget Act: 6110-104-0001, 6110-105-0001,
31 6110-156-0001, 6110-190-0001, Schedule (3) of 6110-193-0001,
32 6110-198-0001, 6110-232-0001, and Schedule (2) of
33 6110-240-0001.

34 (5) For purposes of paragraph (4), if a direct-funded charter
35 school began operation in the 2008–09 fiscal year, the amount that
36 the charter school was entitled to receive from the items
37 enumerated in paragraph (4) for the 2008–09 fiscal year, as certified
38 by the Superintendent in March 2009, is deemed to have been
39 received in the 2007–08 fiscal year.

1 (c) (1) This section does not obligate the state to refund or repay
2 reductions made pursuant to this section. A decision by a school
3 district to reduce funding pursuant to this section for a
4 state-mandated local program shall constitute a waiver of the
5 subvention of funds that the school district is otherwise entitled to
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution on the amount so reduced.

8 (2) (A) As a condition of receipt of funds, the governing board
9 of the school district or governing board of the county office of
10 education, as appropriate, at a regularly scheduled open public
11 hearing shall take testimony from the public, discuss, approve or
12 disapprove the proposed use of funding, and make explicit for each
13 of the budget items in paragraph (2) of subdivision (a) the purposes
14 for which the funds will be used.

15 (B) The regularly scheduled open public hearing held pursuant
16 to subparagraph (A) shall be held before and independent of a
17 meeting where the governing board of the school district or
18 governing board of the county office of education adopts a budget.
19 If the governing board intends to close a program funded by the
20 items listed in paragraph (2) of subdivision (a), the governing board
21 shall identify, in the notice of the agenda of the public hearing or
22 at another public hearing, the program or programs proposed to
23 be closed.

24 (3) Using the Standardized Account Code Structure reporting
25 process, a local educational agency shall report expenditures of
26 funds pursuant to the authority of this section by using the
27 appropriate function codes to indicate the activities for which these
28 funds are expended. The department shall collect and provide this
29 information to the Department of Finance and the appropriate
30 policy and budget committees of the Legislature by April 15, 2010,
31 and annually thereafter on April 15 until, and including, April 15,
32 2016.

33 (d) For the 2008–09 fiscal year to the 2014–15 fiscal year,
34 inclusive, local educational agencies that use the flexibility
35 provision of this section shall be deemed to be in compliance with
36 the program and funding requirements contained in statutory,
37 regulatory, and provisional language, associated with the items
38 enumerated in subdivision (a).

39 (e) Notwithstanding subdivision (d), the following requirements
40 shall continue to apply:

(1) For Item 6110-105-0001 of Section 2.00 of the annual Budget Act, the amount authorized for flexibility shall exclude the funding provided to fund remedial educational services pursuant to Provision 4. For Item 6110-156-0001 of Section 2.00 of the annual Budget Act, the amount authorized for flexibility shall exclude the funding provided for instruction of CalWORKs-eligible pupils pursuant to Schedules (2) and (3) and Provisions 2 and 4.

(2) (A) Any instructional materials purchased by a local educational agency for kindergarten and grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, shall be aligned with the state standards adopted pursuant to Section 60605 or 60605.8, and shall also meet the reporting and sufficiency requirements contained in Section 60119.

(B) For purposes of this section, “sufficiency requirements” are the requirements that each pupil has sufficient textbooks and instructional materials in the four core areas as defined by Section 60119 and that all pupils within the local educational agency who are enrolled in the same course shall have identical textbooks and instructional materials, as specified in Section 1240.3.

(3) For Item 6110-195-0001 of Section 2.00 of the annual Budget Act, the item shall exclude moneys that are required to fund awards for teachers that have previously met the requirements necessary to obtain these awards, until the award is paid in full.

(4) For Item 6110-266-0001 of Section 2.00 of the annual Budget Act, a county office of education shall conduct at least one site visit to each of the required schoolsites pursuant to Section 1240 and shall fulfill all of the duties set forth in Sections 1240 and 44258.9.

(5) For Item 6110-198-0001 of Section 2.00 of the annual Budget Act, a school district or county office of education that operates the child care component of the Cal-SAFE program shall comply with paragraphs (5) and (6) of subdivision (c) of Section 54746.

(f) Notwithstanding paragraph (1) of subdivision (a), from the amounts appropriated for Item 6110-248-0001 of Section 2.00 of the annual Budget Act, three hundred twenty-one thousand dollars (\$321,000) shall be apportioned for the strategies, programs, and activities described in subdivision (d) of Section 32261 *and the workshops described in Section 32283*.

(g) This section does not invalidate any state law pertaining to teacher credentialing requirements or the functions that require credentials.

SEC. 3. Section 44279.2 of the Education Code is amended to read:

44279.2. (a) The Superintendent and the commission shall jointly administer the California Beginning Teacher Support and Assessment System pursuant to this chapter. In administering this section, the Superintendent and the commission shall provide or contract for the provision of all of the following:

(1) Establishing requirements for reviewing and approving teacher induction programs.

(2) Developing and administering a system for ensuring teacher induction program quality and effectiveness. For purposes of this section, “program effectiveness” means producing excellent program outcomes in relation to the purposes defined in subdivision (b) of Section 44279.1. For purposes of this section, “program quality” means excellence with respect to program factors, including, but not limited to, all of the following:

(A) Program goals.

(B) Design resources.

(C) Management, evaluation, and improvement of the program.

(D) School context and working conditions.

(E) Support and assessment services to each beginning teacher.

(3) Developing purposes and functions for reviewing and approving supplemental grants and standards for program clusters and program consultants, as defined pursuant to Section 44279.7.

(4) Improving and refining the formative assessment system.

(5) Improving and refining professional development materials and strategies for all personnel involved in implementing induction programs.

(6) Conducting and tracking research related to beginning teacher induction.

(7) Periodically evaluating the validity of the California Standards for the Teaching Profession adopted by the commission and the Standards of Quality and Effectiveness for Beginning Teacher Support and Assessment Program adopted by the commission and making changes to those documents, as necessary.

(8) Notwithstanding Section 42605, implementing high-quality teacher induction programs per certification criteria, pursuant to

1 subdivision (b) of Section 44279.1 and subdivision (e) of Section
2 44279.25, and enforcing each teacher induction program's
3 standards to meet state standards.

4 ~~(b) The Superintendent shall conduct onsite reviews of all~~
5 ~~approved teacher induction programs at least once every four years,~~
6 ~~as a midpoint review to the accreditation process currently~~
7 ~~conducted by the commission every seven years. The onsite review~~
8 ~~shall be conducted in consultation with the commission on selected~~
9 ~~elements of the teacher induction program and a complete fiscal~~
10 ~~review. The Superintendent shall make the results of onsite reviews~~
11 ~~available to the commission.~~

12 ~~(e)~~

13 (b) As part of the California Beginning Teacher Support and
14 Assessment System, the commission and the Superintendent shall
15 establish requirements for local teacher induction programs.

16 ~~(d)~~

17 (c) A school district or consortium of school districts may apply
18 to the Superintendent for funding to establish a local teacher
19 induction program pursuant to this section. From amounts
20 appropriated for purposes of this section, the Superintendent shall
21 allocate three thousand dollars (\$3,000) for each beginning teacher
22 participating in the program. That amount shall be adjusted each
23 fiscal year by the inflation factor set forth in Section 42238.1. To
24 be eligible to receive funding, a school district or consortium of
25 school districts shall, at a minimum, meet all of the following
26 requirements:

27 (1) Develop, implement, and evaluate teacher induction
28 programs that meet the Quality and Effectiveness for Beginning
29 Teacher Induction Program Standards adopted by the commission.

30 (2) Support beginning teachers in meeting the competencies
31 described in the California Standards for the Teaching Profession
32 adopted by the commission.

33 (3) Meet criteria for the cost-effective delivery of program
34 services.

35 (4) From amounts received from local, state, or resources
36 available for purposes of teacher induction programs, contribute
37 not less than two thousand dollars (\$2,000) for the costs of each
38 beginning teacher served in the induction program.

39 ~~(5) Not charge beginning teachers to participate in the teacher~~
40 ~~induction program.~~

1 ~~(e)~~
2 (d) Teachers who have received their preliminary credential in
3 a district intern program pursuant to Article 7.5 (commencing with
4 Section 44325) or an intern program pursuant to Article 3
5 (commencing with Section 44450) of Chapter 3 and who are
6 participating in an induction program pursuant to this section are
7 not eligible for funding pursuant to Article 11 (commencing with
8 Section 44380).

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